

REMARKS

Applicant would like to thank the Examiner for the opportunity of a telephone interview conducted on December 2nd, 2004. During the interview, Applicant's representatives pointed out that independent claim 1 requires searching for a Load Balancer using the Load Balancer Lookup Finder, and searching for available Compute Servers using the Compute Server Lookup Finder. The Examiner agreed that Applicant's claimed invention is patentably distinguishable over the cited art, and requested that Applicant submit written remarks responsive to the final Office Action. The foregoing will serve as Applicant's statement of the substance of the interview.

Claims 1-8 are currently pending in the Application

Claims 1, 6 and 8 are amended to clarify features recited thereby.

With respect to the priority issue discussed on page two of the Office Action, Applicant notes that the request to acknowledge the claim for foreign priority mentioned in the Amendment filed on July 21st, 2004, was inadvertently included in the Amendment and should therefore be disregarded.

Rejection of Claims 6 and 8 under 35 U.S.C. § 112, Second Paragraph

Claims 6 and 8 are rejected under 35 U.S.C. § 112, second paragraph, because of antecedent basis issues.

Claims 6 and 8 are amended to clarify features recited thereby. Therefore, this rejection should now be withdrawn.

Rejection of Claims 1-8 under 35 U.S.C. § 103

Claims 1-8 are rejected under 35 U.S.C. § 103 as being obvious from Primak et al., U.S. Patent No. 6,389,448 in view of Arnold et al., U.S. Patent No. 6,446,070. This rejection is traversed.

As discussed during the interview with the Examiner, Primak does not disclose or suggest searching for a Load-Balancer using a Load-Balancer Lookup Finder. Further, Primak does not disclose or suggest a Load Balancer Lookup Finder, nor searching for a Load Balancer using the Load Balancer Lookup Finder. Since Primak does not disclose or suggest these features, Primak is incapable of disclosing or suggesting the solutions provided by Applicant's claimed invention of looking up dynamically available Load-Balancers, such that Load-Balancers that have become available or are no longer available are accounted for or registered using a lookup finder for Load-Balancers.

In the Interview Summary mailed December 14th, 2004, the Examiner requests that claim 1 be amended to note that "a first Lookup Finder object" exists for Load Balancers and "a second Lookup Finder object" exists for Compute Servers, to clarify that the load balancing is two-tiered and there are two distinct "Lookup Finder" objects.

Applicant believes that independent claim 1 is already clear on its own terms and that no amendment is necessary as a matter of law. However, to expedite prosecution of the present Application, Applicant amends independent claim 1 by inserting the words "first" and "second" as suggested.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any

questions regarding this Amendment or regarding the Application generally, the

Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George Brieger". The signature is fluid and cursive, with the first name "George" and last name "Brieger" clearly distinguishable.

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